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Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement*/ submitted by the Colombian Commission of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

*/ This written statement is issued, unedited, as received in English, French and Spanish from the submitting non-governmental organization(s).

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The Colombian Non-Governmental and Social Organisations hereby make known at the Human Rights Commission's 57th Period of Sessions that the High Commissioner on Human Rights' report remains in effect (E/CN.4/2000/8): *"Human rights (in Colombia) have not been given sufficiently high-priority treatment by the Government, nor have international recommendations been followed."(par.168).*

The Office of the United Nations High Commissioner on Human Rights (OUNHCHR) in Colombia has adequately fulfilled its double mandate, yet the Colombian government continues to disregard its recommendations, resulting in continued deterioration of the human rights and international humanitarian law situation. While an average of 12 persons per day were killed or disappeared due to socio-political violence in 1999, that figure rose to 14 in 2000 through extra-judicial executions, close to one person was disappeared daily, another person was killed every two days for belonging to marginalised social sectors, and over four died per day in combat.

Regarding the deaths and disappearances for which the alleged perpetrators are known, 79.95% are attributed to government agents: 2.44% directly (29 victims) and 77.51% indirectly through paramilitary groups, (920 victims). Guerrilla groups are purportedly the perpetrators of 20.05% of these cases (238 victims).[1]

Paramilitary groups were responsible for multiple massacres in 2000, including the El Salado massacre on February 18 in which 45 peasants were executed, and that of Nueva Venecia on November 22 with a toll of 49 fishermen executed and 30 disappeared.[2]

On August 15, 2000 in the town of Pueblorrico, six children between the ages of 7 and 11 died and four were wounded. When 50 students were on a school field trip in the company of adults, troops from the Army's IV Brigade attacked them, though the group begged them to stop the assault. Subsequently, military forces did not provide the victims with due care, and at least one wounded girl died of blood loss because she did not receive immediate medical attention. The *Fiscalía* ("Attorney General's Office") confirmed that there were no combats in progress when these acts took place. Army and Ministry of Defence spokespersons tried to justify these actions by claiming that the guerrillas had used the children as human shields, a version later disproved by the Attorney General's Office. The military criminal judge to whom the Attorney General's Office remanded the case dropped charges against 16 of those implicated in the proceedings.

The population subjected to forced displacement has continued to rise as a result of the escalated armed conflict and, on occasion, in efforts to facilitate the completion of large-scale projects. It is estimated that over 300,000 people were displaced in

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[1] Colombian Commission of Jurists' (CCJ) Data Bank.

[2] Defensoría del Pueblo ("Colombian Public Ombudsman's Office).

2000, while government policies have been inadequate to prevent the phenomenon and take care of victims' needs.[3]

"Plan Colombia", which was approved by the United States Congress, will intensify internal confrontations and increase human rights and humanitarian law violations, as is already the case in the Putumayo region.

Attacks continued on human rights defenders, journalists, and social and labour-union leaders. Upper-ranking officers in the armed forces have publicly opposed human rights NGOs in direct contradiction with presidential directives on this issue, without any disciplinary sanctions.

The situation in penitentiaries continues to become more serious. Members of paramilitary groups under arrest have tried to gain control of the jails, with the complicity of the guards, resulting in attacks on other inmates, especially political prisoners. In one massacre, 27 inmates were killed, yet the authorities failed to react in any way.

In Colombia, most of the population does not benefit from economic, social and cultural rights. The unemployment rate was higher than 20%, and governmental proposals to lower that figure have threatened the nation's workers' already precarious position.[4] The rural infant mortality rate is double that of urban areas, at 54.0 and 27.2, respectively,[5] and approximately 3,000,000 school-aged minors are currently outside of the educational system.[6]

Rights of black and indigenous communities continue to be violated, especially their rights to prior consultation in infrastructure projects, as established by ILO agreements, with severe consequences for the lives and health of the Embera-Kat'io and U'wa peoples, among others.

The parties to the conflict habitually commit serious violations of humanitarian law. ELN (*Ejército de Liberación Nacional*, "National Liberation Army") continued it mass kidnappings. FARC (*Fuerzas Armadas Revolucionarias Colombianas*, "Colombian Revolutionary Armed Forces") also pursued kidnapping and on numerous occasions damaged property and the civilian population through indiscriminate use of war tactics, such as gas-tank launchings, often killing civilians. The security forces continue to position emplacements in areas of protected property and persons, with the risks that such actions imply. The National Army bombed and machine-gunned a hamlet in the Cimitarra River

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[3] Consultancy on Human Rights and Displacement.

[4] Departamento Administrativo Nacional de Estadística (DANE) ("Colombian National Statistical Administration Department"), June 2000.

[5] Colombian Ministry of Foreign Affairs, Fourth DESC Committee Pact Report, May 2000.

[6] Defensoría del Pueblo, May 2000.

Valley on January 16, 2000, resulting in the displacement of 400 peasants and the destruction of homes.[7]

The government has adopted measures to restrict fundamental freedoms and has announced its presentation of a draft bill before Congress to limit *habeas corpus*, create special law-enforcement zones and grant special powers to the Military Forces for searches, arrests and wire taps.

The security forces have admitted that they do not confront paramilitary groups. A Ministry of Defence report states that results of efforts against paramilitary groups "can hardly be proportional due to the fact that guerrilla groups attack and confront Security Forces (...), self-defence groups shy away from actions against the Forces of Law and Order and have a policy of non-confrontation, which yields fewer opportunities to cause casualties and captures among their ranks."[8] Further verification is provided in the High Commissioner's third report on Colombia, which states, "This Office has been witness to statements by high-ranking Army Officers that paramilitary groups do not threaten constitutional security and consequently, it is not the Army's responsibility to combat them."

In October, 2000, 388 military officers were removed from active duty. Their names were not published, and no information is available on whether their withdrawal was due to human rights violations. In any case, no legal investigation was opened against these officers, and it is known that security officers for whom there are serious indications of ties to paramilitary groups were not removed. Several retired officers entered paramilitary groups, according to Ministry of Defence reports.

Impunity is close to 100% for human rights violations. In many case, the Attorney General's Office does not have the support of the government's security forces. On other occasions, that Office has remanded investigations to military criminal justice, going against international recommendations and the decision of the Colombian Constitutional Court, which ordered that all human rights violations be investigated and judged by ordinary civil justice.

The signatory organisations support efforts favouring a negotiated solution to armed conflict. The quest for peace must go hand-in-hand with a serious human rights policy in which the government is not present. This policy must guarantee victims' rights to truth, reparation and just sanctions for responsible parties. We demand respect from the armed participants for the rights of non-combatants, as well as the signing of humanitarian agreements.

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[7] CINEP and Justicia y Paz data banks.

[8] "Law Enforcement and Human Rights in Colombia" ("La fuerza pública y los Derechos Humanos en Colombia", March 2000.

Consequently, we ask this Commission to do the following:

- Based on the High Commissioner's report, vigorously show your deep concern for the human rights crisis in Colombia, as well as for repeated breaches of recommendations made.
- Strengthen OUNHCHR's mandate in Colombia by ensuring adequate financing, supporting its work and urging the Colombian government to follow its recommendations.
- Ask the High Commissioner to present its report on Colombia also to the United Nations General Assembly.
- Name a Special Rapporteur for Colombia as a complementary mechanism to support OUNHCHR in the area of compliance of international recommendations.
- Urge the Commission's thematic mechanisms to redouble their attention to Colombia's human rights crisis and ask them to visit the country once again.
- Make a special call to countries providing military aid to Colombia so that such aid is not used to violate human rights and that a condition thereto is compliance with repeated United Nations recommendations.
- Form a group within the heart of the Commission to analyse OUNHCHR recommendations and present a report at the Commission's next series of sessions.
- Recommend that the Security Council establish an Ad Hoc Criminal Tribunal for Colombia to investigate and decide on serious human rights violations, war crimes and crimes against humanity.
- Decide on all of the foregoing through a Resolution, due to the lack of co-operation by the Colombian government, as seen in its repeated breaches of international recommendations.

Bogota, Colombia, December 2000.

1. ACGTD Confederación General de Trabajadores Democráticos
2. Asociación Campesina de Antioquia
3. Asociación Campesina del Valle del Cimitarra
4. Asociación de Familiares de Detenidos Desaparecidos - Asfades Medellín
5. Asociación de Trabajo Interdisciplinario - ATI
6. Asociación Nacional de Ayuda Solidaria - Andas Bogotá
7. Benposta Nación de Muchachos
8. Casa de Paz Cali
9. Cencooser Central Cooperativa de Servicios
10. CEPECS Centro de Promoción Ecomenica Social
11. Cinep Centro de Investigación Popular
12. Corporación Avre
13. Colectivo de Abogados
14. Colectivo de Derechos Humanos Semillas de Libertad - Codhesel
15. Comisión Colombiana de Juristas

16. Comité Permanente por la defensa de Derechos Humanos
17. Comité Permanente por la Defensa de Derechos Humanos "Hector Abad Gómez"
18. Comité de Solidaridad con Presos Políticos - CSPP
19. Comunidades Eclesiales de base
20. Consejo Regional Indígena del Cauca - Cric
21. Corporación Cleber
22. Corporación Compromiso
23. Corporación Jurídica Libertad
24. Corporación Mujer y Dignidad Piedecuesta
25. Corporación Utopías
26. CPC Confederación de Pensionados de Colombia
27. Credhos
28. CSPP Valle
29. CTC Confederación de trabajadores de Colombia
30. Sub directivo de la CUT Norte de Santander
31. Defensa de los Niños Internacional - DNI
32. Diócesis de Quibdó
33. Escuela Nacional Sindical
34. FEDES Federación Educativa de desarrollo
35. Franciscans International
36. Fundación Estrella Orográfica del Macizo Colombiano - Fundecima
37. Fundación Equipo Técnico
38. Fundación Foro Costa Atlántica
39. Fundación Sumapaz
40. Funprocep
41. GAD
42. Grupo de Gays y Lesbianas
43. Humanidad Vigente Bogotá
44. Instituto Latinoamericano de Servicios Legales Alternativos - ILSA
45. Instituto María Cano
46. Instituto Popular de Capacitación - IPC
47. Justicia y Paz Medellín
48. Mencoldes Fundación Menonita para el Desarrollo
49. Organización Femenina Popular
50. Organización Indígena de Antioquia - OIA
51. Partido del Socialismo Democrático
52. Pastoral Social Villavicencio
53. Reiniciar
54. Sintrainal Coordinadora Popular
55. Solivida Cali
56. Sol y Tierra